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EXHIBIT C

SUPERIOR COURT OF CALIFORNIA

COUNTY OF SAN FRANCISCO

HONORABLE CURTIS E.A. KARNOW, JUDGE PRESIDING

DEPARTMENT NUMBER 304

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**CERTIFIED
TRANSCRIPT**

COORDINATION PROCEEDING

SPECIAL TITLE [RULE 1550(b)]

Case No.: CJC-17-004955

CALIFORNIA NORTH BAY FIRE CASES

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Reporter's Transcript of Proceedings

Thursday, October 25, 2018

REPORTED BY:

MARY ANN SCANLAN, CSR NO. 8875 RMR-CRR-CCRR-CLR



Certified Shorthand Reporters

408 Columbus Avenue, Suite 2, San Francisco CA 94133

o / 415.834.1114 f / 415.399.9266

e / info@scanlanstone.com w / scanlanstone.com

CALIFORNIA NORTH BAY FIRE CASES

A P P E A R A N C E S O F C O U N S E L:

FOR PLAINTIFFS:

ABBEY, WEITZENBERG, WARREN & EMERY, PC
100 Stony Point Road, Suite 200
Santa Rosa, CA 95401
707.542.5050

BY: BRENDAN M. KUNKLE, Attorney at Law (CourtCall)
bkunkle@abbeylaw.com

MARY ALEXANDER & ASSOCIATES, P.C.
44 Montgomery Street, Suite 1303
San Francisco, California 94104
415.433.4440

BY: MARY ALEXANDER, Attorney at Law
malexander@maryalexanderlaw.com

BY: SOPHIA ACHERMANN, Attorney at Law
sachermann@maryalexanderlaw.com

ANDREWS THORNTON
2 Corporate Park, Suite 110
Irvine, California 92606
949.748.1000

BY: SEAN T. HIGGINS, Attorney at Law
shiggins@andrewsthornton.com

BY: ROBERT S. SIKO, Attorney at Law (CourtCall)
rsiko@andrewsthornton.com

BAUMAN LOEWE WITT & MAXWELL
8765 E. Bell Road, Suite 204
Scottsdale, AZ 85260
480.502.4664

BY: A. SCOTT LOEWE, Attorney at Law (CourtCall)
sloewe@BLWMLawfirm.com

BERGER KAHN
2 Park Plaza, Suite 650
Irvine, California 92614-8516
949.474.1800

BY: CRAIG S. SIMON, Attorney at Law
csimon@bergerkahn.com

(APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

A P P E A R A N C E S O F C O U N S E L:

(CONTINUED)

FOR PLAINTIFFS:

BARON & BUDD, P.C.

603 N. Coast Highway Suite G
Solana Beach, California 92075
415.310.7523

BY: BRITT STROTTMAN, Attorney at Law (CourtCall)
bstrottman@baronbudd.com Attorney at Law

BARON & BUDD, P.C.

3102 Oak Lawn Avenue, Suite 1100
Dallas, Texas 75219
214.521.3605

BY: JOHN FISKE, Attorney at Law
jfiske@baronbudd.com

THE LAW OFFICES OF SHAWN E. CAINE

1221 Camino Del Mar
Del Mar, California 92014
858.350.1660

BY: SHAWN E. CAINE, Attorney at Law
scaine@cainelaw.com

COTCHETT, PITRE, SIMON & MCCARTHY

San Francisco Airport Office Center
840 Malcolm Road, Suite 200
Burlingame, California 94010

BY: FRANK M. PITRE, Attorney at Law
fpitre@cpmlegal.com

BY: ALISON E. CORDONVA, Attorney at Law
acordova@cpmlegal.com

COZEN O'CONNER

101 Montgomery Stret, Suite 1400
San Francisco, California 94104
415.593.9624

BY: FULTON M. SMITH III, Attorney at Law
fsmith@cozen.com

(APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

1 A P P E A R A N C E S O F C O U N S E L:

2 (CONTINUED)

3 FOR PLAINTIFFS:

4 COZEN O'CONNER

501 West Broadway, Suite 1610

San Diego, CA 92101

619.685.1716

6 BY: KEVIN D. BUSH, Attorney at Law (CourtCall)
kbush@cozen.com

7 CUTTER LAW PC

8 401 Watt Avenue, Suite 100

Sacramento, California 95864

916.290.4900

10 BY: MATTHEW M. BREINING, Attorney at Law
(CourtCall)
mbreining@cutterlaw.com

11 DANKO MEREDITH

12 333 Twin Dolphin Drive, Suite 145

Redwood City, California 94065

13 650.394.8672

14 BY: SHAWN R. MILLER, Attorney at Law (CourtCall)
smiller@dankolaw.com

15 DIXON DIAB & CHAMBERS

16 501 W. Boradway, Suite 800

San Diego, California 92101

619.354.2662

17 BY: ED DIAB, Attorney at Law (CourtCall)
diab@theddcfirm.com

18 DREYER, BABICH, BUCCOLA, WOOD CAMPORA LLP

19 20 Bicentennial Circle

Sacramento, California 95826

20 916.379.3500

21 BY: STEVEN M. CAMPORA, Attorney at Law
scampora@dbbwc.com

22
23
24
25 (APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

A P P E A R A N C E S O F C O U N S E L:

(CONTINUED)

FOR PLAINTIFFS:

ENGSTROM LIPSCOMB & LACK

10100 Santa Monica Boulevard, 16th Floor

Los Angeles, California 90067-4107

310.552.3800

BY: GREGROY P. WATERS, Attorney at Law (CourtCall)

gwaters@ellllaw.com

BY: ALEXANDRA J. NEWSOM, Attorney at Law

(CourtCall)

anewsom@ellllaw.com

FOX LAW APC

The Plaza Building

225 W. Plaza Street, Suite 102

Solana Beach, California 92075

BY: JOANNA FOX, Attorney at Law

Joanna@FoxLawAPC.com

FRANTZ LAW GROUP

402 W Broadway, Suite 860

San Diego, CA 92101

619.233.5945

BY: JAMES P. FRANTZ, Attorney at Law (CourtCall)

jpf@frantzlawgroup.com

BY: REGINA BAGDASARIAN, Attorney at Law

(CourtCall)

rbagdasarian@frantzlawgroup.com

GILBERT LLP

One Market, Spear Tower, 36th Floor

San Francisco, California 94105

415.656.4014

BY: PETER MERINGOLO, Attoreny at Law

meringolop@gotofirm.com

GOYETTE & ASSOCIATES

2366 Gold Meadow Way, Suite 200

Gold River, California 95670-4471

916.851.1995

BY: GARY G. GOYETTE, Attorney at Law (CourtCall)

goyetteg@goyette-assoc.com

(APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

A P P E A R A N C E S O F C O U N S E L:

(CONTINUED)

FOR PLAINTIFFS:

GROTEFELD HOFFMANN

3718 SW Condor Avenue, Suite 100

Portland, Oregon 97239

503.384.2772

BY: WAYLON J. PICKET, Attorney at Law

wpickett@ghlaw-llp.com

GROTEFELD HOFFMANN LLP

700 Larkspur Landing Circle, Suite 280

Larkspur, California 94939-1755

415.344.9670

BY: MAURA WALSH OCHOA, Attorney at Law

mochoa@ghlaw-llp.com

JACKSON & PARKINSON

205 West Alvarado Street, Suite 2

Fallbrook, California 92028

760.723.1295

BY: ROBERT JACKSON, Attorney at Law

robert@jacksontriallawyers.com

LAW OFFICES OF JANG & ASSOCIATES, LLP

1766 Lacassie Avenue, Suite 200

Walnut Creek, California 94596

925.937.1400

BY: ALAN J. JANG, Attorney at Law

ajang@janglit.com

BY: STEPHANIE YEE, Attorney at Law (CourtCall)

syee@janglit.com

BY: SALLY NOMA, Attorney at Law

snoma@janglit.com

LEVINS SIMES

44 Montgomery Street, 32nd Floor

San Francisco, California 94104

415.426.3000

BY: AMY ESKIN, Attorney at Law

aeskin@levinsimes.com

(APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

A P P E A R A N C E S O F C O U N S E L:

(CONTINUED)

FOR PLAINTIFFS:

LIEFF CABRASER & HEIMANN
275 Battery Street, Suite 3000
San Francisco, California 94111
415.956.1000

BY: LEXI J. HAZAM, Attorney at Law
lhazam@lchb.com

BY: ABBY R. WOLF, Attorney at Law
awolf@lchb.com

MATIASIC & JOHNSON, LLP
44 Montgomery Street, Suite 3850
San Francisco, California 94104
415.675.1089

BY: KELSEY F. MORRIS, Attorney at Law (CourtCall)
Morris@mjlawoffice.com

MCNICHOLAS & MCNICHOLAS, LLP
10866 Wilshire Boulevard, Suite 1400
Los Angeles, California 90024
310.474.1582 8

BY: JUSTIN J. EBALLAR, Attorney at Law (CourtCall)
jje@mcnicholaslaw.com

RENNE PUBLIC LAW GROUP
350 Sansome Street, Suite 300
San Francisco, California 94104
415.848.7200

BY: LORI S. LIU, Attorney at Law
lliu@publiclawgroup.com

ROBINS CLOUD
808 Wilshire Boulevard, Suite 450
Santa Monica, California 90401
310.929.4200

BY: BILL ROBINS III, Attorney at Law (CourtCall)
robins@robinscloud.com

BY: ROBERT BRYSON, Attorney at Law
rbryson@robinscloud.com

BY: KEVIN M. POLOLACK, Attorney at Law (CourtCall)
kpollack@robinscloud.com

(APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

A P P E A R A N C E S O F C O U N S E L:

(CONTINUED)

FOR PLAINTIFFS:

LAW OFFICES OF ALEXANDER M. SCHACK, A.P.C.
16870 West Bernardo Drive, #400
San Diego, California 92127
858.485.6535

BY: SHANNON F. NOCON, Attorney at Law (CourtCall)
shannonnocon@amslawoffice.com

SCHROEDER LOSCOTOFF LLP
7410 Greenhaven Drive, Suite 200
Sacramento, California 95831
916.438.8300

BY: ERIC M. SCHROEDER, Attorney at Law
emschroeder@calsubro.com

SIEGLOCK LAW
1221 Camino Del Mar
Del Mar, California 92014
858.793.0380

BY: CHRISTOPHER SIEGLOCK, Attorney at Law (CourtCall)
chris@sieglocklaw.com

SINGLETON LAW FIRM
115 W. Plaza Street
Solana Beach, California 92075
760.697.1330

BY: GERALD SINGLETON, Attorney at Law
gerald@slffirm.com

TERRY SINGLETON, APC
1950 5th Avenue, Suite 200
san Diego, California 92101-2344
619.239.3225

BY: TERRY SINGLETON, Attorney at Law (CourtCall)

SKIKOS CRAWFORD SKIKOS JOSEPH & MILLICAN
625 Market Street, 11th Floor
San Francisco, California 94105
415.546.7300

BY: STEVEN J. SKIKOS, Attorney at Law
sskikos@skikos.com

(APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

1 A P P E A R A N C E S O F C O U N S E L:

2 (CONTINUED)

3 FOR PLAINTIFFS:

4 LAW OFFICES OF ROBERT A. STUTMAN
5 1206 Corona Pointe Court, Suite 306
6 Corona, California 92879
7 951.387.4700

8 BY: TIMOTHY E. CARY, Attorney at Law (CourtCall)
9 CaryT@StutmanLaw.com

10 SUSQUEHANNA INTERNATIONAL GROUP, LLP
11 140 Broadway, 47th Floor
12 New York, NY 10005
13 212.514.4705

14 BY: DAVID S. GREENBERG, Interested Party
15 (CourtCall)

16 THOMPSON LAW OFFICES, P.C.
17 700 Airport Boulevard, Suite 160
18 Burlingame, California 84010-1931
19 650.513.6111

20 BY: ROBERT W. THOMPSON, Attorney at Law
21 (CourtCall)
22 bobby@tlopc.com

23 THORSNES BARTOLOTTA MCGUIRE
24 2550 Fifth Avenue, Eleventh Floor
25 San Diego, California 92103
619.236.9363

BY: JOHN F. MCGUIRE, Attorney at Law (CourtCall)
mcguire@tbmlawyers.com

TOSDAL LAW FIRM
777 S. Highway 101, Suite 215
Solano Beach, California 92075
858.704.4710

BY: THOMAS TOSDAL, Attorney at Law (CourtCall)
tom@tosdallaw.com

(APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

A P P E A R A N C E S O F C O U N S E L:

(CONTINUED)

FOR PLAINTIFFS:

WALKUP, MELODIA, KELLY & SCHOENBERGER
650 California Street, 26th Floor
San Francisco, California 94108
415.981.7210

BY: MICHAEL A. KELLY, Attorney at Law
MKelly@WalkupLawOffice.com

BY: MAX SCHUVER, Attorney at Law
mschuver@walkuplawoffice.com

BY: ANDREW MCDEVITT, Attorney at Law
amcdevit@walkuplawoffice.com

WATTS GUERRA
811 Barton Springs Road, Suite 725
Austin, Texas 78704
512.479.0500
BY: GUY L. WATTS, Attorney at Law (CourtCall)
gwatts@wattsguerra.com

(APPEARANCES CONTINUED FOLLOWING PAGE:)

CALIFORNIA NORTH BAY FIRE CASES

A P P E A R A N C E S O F C O U N S E L :

(CONTINUED)

FOR DEFENDANT PG&E:

CLARENCE DYER & COHEN LLP
899 Ellis Street
San Francisco, California 94109
415.749.1800

BY: KATE DYER, Attorney at Law
kdyer@clarencedyer.com

CRAVATH, SWAINE & MOORE
Worldwide Plaza
825 Eighth Avenue

New York, New York 10019

BY: KEVIN J. ORSINI, Attorney at Law
korsini@cravathcom

BY: EVAN R. CHESLER, Attorney at Law
echesler@cravath.com

WILSON, SONSINI, GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
650.320.4893

BY: KEITH E. EGGLETON, Attorney at Law
keggleton@wsgr.com

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CALIFORNIA NORTH BAY FIRE CASES

P R O C E E D I N G S

Thursday | October 25, 2018 | 9:16 a.m.

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THE COURT: Good morning.

I'm going to go through the topics that I plan to talk about and then I'll start each topic with some questions and comments so that the attorneys in the room can push back and correct me or steer me on those matters. And when we finish our comments on that topic, then we'll move on to the next topic.

I'd appreciate a copy, even a rough transcript, of today's hearing. I think it will be helpful, so if somebody can get that to me in the next couple of days or by early next week, that will help me with a case management order to resolve a lot of the issues that we have to talk about today.

Because we got started a little late, I'll ask people to not speak quickly but perhaps with fewer words.

With respect to the number of trials, I'm a little concerned that we're not focusing on the overall number of trials that might be implicated.

Obviously, after we have some of the bellwether cases, there's a thought that mediation will kick in and perhaps we'll get some resolution; but we

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1 can't put a hundred percent of our bet on that approach.

2 If there are 15 or 19 fires and if the results
3 from one won't have much effect on the other -- and some
4 of the individual plaintiffs have suggested as much,
5 because of different ignition sources and therefore
6 different ways in which liability is likely to be
7 resolved, then simply having the Tubbs fire first or
8 simply having the Atlas fire first may not push us along
9 toward the other cases and getting those resolved.

10 But if we do them 60 days or half a year, one
11 after the next, it will be many, many years before these
12 cases get resolved, which doesn't work.

13 So the current thought from some of the
14 plaintiffs -- many of the plaintiffs and I think -- is
15 that we would have, for example, maybe Tubbs set 60 days
16 after the Atlas fires.

17 But when you work that out for all of the
18 fires involved, we're still many, many years down the
19 road, so I'm concerned about that.

20 Before we talk about which particular trial to
21 have first, I'd just like to open up comments with
22 respect to that, whether we should be planning Tubbs or
23 Atlas first and then Atlas or Tubbs next, wait 60 days,
24 wait 90 days, have the next trial, or whether we should
25 really be setting more cases at this point -- a lot of

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1 cases.

2 Obviously, that will put a tremendous burden
3 on the parties to go -- to essentially be preparing for
4 two, three, four, five trials at the same time.

5 And we're not going to resolve this particular
6 issue today, but I think we want to get started thinking
7 about what's the long-term plan here. We haven't
8 thought about this particular issue before, so let me
9 just stop there and invite comment.

10 MR. KELLY: So, Your Honor, first of all, I
11 think that we agree with the Court that you can't have
12 trials going on forever.

13 We addressed this in response to the questions
14 that were posed, which is which should go first, what
15 should it look like, how long would it take?

16 THE COURT: Absolutely.

17 MR. KELLY: I think, just so you know, with as
18 few words as possible, we are continuing to do discovery
19 on all of the fires and are certainly willing to come
20 back and talk about what's the most efficient way if
21 that's what moves the needle to further explore with you
22 how many, where, and at what intervals.

23 We're not wedded to this as the only way to go
24 forward.

25 I will say that the CMC that we prepared and

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1 submitted essentially had the universal agreement of all
2 the leads in response to your question, and I guess the
3 short answer is, it's a fair question, it's a good
4 question. Does a trial or multiple trials move the
5 needle or do we need to do five, six, or eight? I think
6 that's something we need to come back and talk to you
7 about.

8 THE COURT: All right. Thank you.

9 MR. SIMON: Your Honor, I think that with
10 regard to the plaintiffs' request that Atlas go first, I
11 believe that it would move the needle for other trials
12 because of the vegetation-related issues.

13 MR. ORSINI: Good morning, Your Honor, Kevin
14 Orsini. I already speak too quickly, so I'll just use
15 few words.

16 I think Your Honor's concern is exactly the
17 right one. How do we get to this point where we're not
18 trying these cases for the next decade? I think we may
19 very well get to a point where we have to slot a number
20 of trials for a number of different fires, either
21 concurrently or consecutively with less than a 60-day
22 gap, but I think the question goes back to why we
23 believe you have to set Tubbs first.

24 THE COURT: Right. I'll be getting to that.
25 That's a separate issue.

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1 But maybe the approach is going to be to set
2 one first, whichever one that is.

3 MR. ORSINI: If I may, Your Honor, just to
4 expand on that a little bit, the reason why I don't
5 think they're completely separate, at least from our
6 perspective, which is -- you know, from PG&E's
7 perspective about how could we resolve this, because we
8 don't want these cases hanging around for the next ten
9 years either, just as much as the individual plaintiffs
10 who are victims don't.

11 And from our perspective, as we're looking at
12 how we can size how this ought to be resolved, trying
13 Tubbs first doesn't guarantee that we don't have to have
14 all of those other trials, but it's the best chance that
15 we don't have to have all those other trials.

16 Because when I sit with my client and we talk
17 about what resolutions could look like, when you're
18 staring down the barrel of one fire that's two-thirds of
19 the potential liabilities, that one has the highest
20 probability of getting all the others tied up in a
21 global resolution.

22 That's why I don't think they're unrelated.

23 And I think we could, for example, take an
24 approach where we set the Tubbs trial first for
25 precisely that reason, and then we figure out how to set

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1 a number of additional trials shortly thereafter so that
2 we have a mechanism where, if I'm wrong and trying Tubbs
3 doesn't get us all to the point where we can get this
4 wrapped up without more trials, we have the schedule in
5 place to move right to those trials.

6 THE COURT: Thank you.

7 MR. SINGLETON: Your Honor, may I offer a
8 different perspective?

9 THE COURT: If you keep your voice way up,
10 yes, you can.

11 MR. SINGLETON: Gerald Singleton.

12 I apologize, Your Honor, I had a flight issue
13 so we were delayed.

14 I think the Court is absolutely right when it
15 suggests that it would be beneficial to set numerous
16 trials. We propose, as the Court is aware, Sulphur
17 going in March or April to be followed by the four Wind
18 Complex fires.

19 Although it would be aggressive, we have
20 circulated to both plaintiffs' counsel and defense
21 counsel a proposed trial plan that would try all of
22 these cases next year.

23 I understand this is not something that the
24 Court is going to decide today nor should it, but I
25 think that looking at some of the other issues,

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1 particularly the fact that you have people, real world
2 issues, such as ALE benefits running out after two
3 years, the proper way to resolve these cases is to set
4 them for trial once the liability is ready to go on each
5 one. And if we do that, we believe we could get most if
6 not all of them, tried in 2019.

7 Obviously, it would be burdensome, but there
8 are a lot of fine lawyers on both sides, and we
9 certainly believe we could do that.

10 THE COURT: Did you author the response to
11 certain individual plaintiffs to the joint case
12 management conference statement -- you were involved in
13 that?

14 MR. SINGLETON: Yes, Your Honor.

15 THE COURT: How come I didn't get a single CMC
16 statement? Do you know what happened?

17 MR. SINGLETON: Yes, Your Honor.

18 THE COURT: Were you not consulted?

19 MR. SINGLETON: No, Your Honor. What happened
20 is we met and conferred extensively, but there is a
21 fundamental difference of opinion between the four firms
22 in our group and the plaintiffs' leadership.

23 THE COURT: Is it possible to get your
24 comments into a single document next time?

25 MR. SINGLETON: We certainly can, Your Honor.

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1 We were not afforded the opportunity to add it to that,
2 but we certainly can if that's what the Court would
3 prefer.

4 THE COURT: I'd prefer it.

5 MR. SINGLETON: Very well.

6 THE COURT: Thank you, very much.

7 MR. SINGLETON: Thank you.

8 THE COURT: My guess is that what we're going
9 to do is set a single trial first, one of these cases.
10 We're going to turn to that matter in about one minute.

11 And after we have set that trial but before it
12 starts, at a future CMC, we're going to talk about this
13 issue of what happens after that. I want to have a
14 long-term plan. We're not going to wait until that
15 first trial has started.

16 We're going to have a long-term plan before
17 that, whether it's something that the Singleton firm has
18 suggested or some other approach, but I think we want to
19 have an idea of what's coming down the road so that PG&E
20 understands what it's facing and so the lawyers who are
21 involved in this case can have a say in how their
22 energies are going to be spent over the next couple of
23 years and really what's feasible and what's not
24 physically feasible.

25 Let me turn to the next topic, which is which

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1 trial to go first. Let me make some summary comments.

2 The Sulphur trial has been proposed. Some of
3 the individual plaintiffs suggest this, but they didn't
4 provide enough information for me to do very much with
5 that today. They don't provide a rough number of
6 witnesses available, what their areas of testimony are
7 going to be. I don't think they suggested how long the
8 trial is going to be.

9 I wonder if it's true, if some people agree
10 that this is in fact the simplest case, at least between
11 Sulphur, Atlas, and Tubbs. Comments on that are
12 solicited.

13 They have indicated -- the folks that proffer
14 the Sulphur trial, that it involves a lot of people. I
15 think that's probably true with Tubbs and Atlas as well.

16 They have suggested that they think that the
17 discovery cutoff should be pursuant to code. It doesn't
18 sound like the way to go. If there are only a couple of
19 expert witnesses, then perhaps that could be fit in
20 pursuant to code, but probably not otherwise.

21 The next proposal is the Atlas case. I
22 wonder, is it true that there's a general agreement that
23 this is a tree line contact case, that there is the
24 single point of ignition? There may be obviously
25 disagreements as to who's responsible for that.

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1 I wonder, can we say that there are, in fact,
2 common ignition sources or source in the Tubbs fire and
3 in the Atlas fire?

4 I think in the Tubbs fire, the consensus
5 probably is that there is not a single ignition source.

6 In Atlas, I wonder if there is or not.

7 My concern is, particularly with respect to
8 the Tubbs fire, that we might have ultimate liability as
9 to some of the plaintiffs and not as to others, because
10 we have different ignition sources and it will devolve
11 into a dispute as to really how many fires we have.

12 So my question there, in summary, is how much
13 of a consensus is there that we have identified ignition
14 points for these two candidate fires, Tubbs and Atlas?

15 Turning to the Tubbs fire -- this is PG&E's
16 suggestion -- it's noted, I think without dispute, that
17 it's the most extensive fire, it's likely to resolve the
18 most cases. PG&E has suggested that about two-thirds of
19 the liability it faces could be involved in the Tubbs
20 fire.

21 This makes it an appealing fire to take first
22 because it will resolve most of the cases or at least
23 indicate possible resolution to most of the cases.

24 But there's also a suggestion that this has
25 the most complex causation issues associated with it.

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1 If that is true, how is it possible that PG&E is right
2 that it will actually be a shorter trial than Atlas?

3 I think we generally recognize that this will
4 be a battle of experts and there probably will be a lot
5 more experts in Tubbs than Atlas, but I throw that out
6 so that you'll correct me if I'm wrong about that.

7 Do the plaintiffs agree with PG&E that in a
8 Tubbs fire trial they would not have the vegetation
9 management-related witnesses that they want in the Atlas
10 fire? PG&E has suggested that only half of the time
11 needed would be applicable.

12 With respect to Atlas or Tubbs or the Sulphur
13 fire, is it true that we would probably have exactly the
14 same issues and potential delay associated with
15 accessing the evidence in the hands of Cal fire, or do
16 we have a different picture for those three fires?

17 For these three fires, Atlas, Tubbs, or
18 Sulphur, to what extent do the plaintiffs need the
19 completion of all of PG&E's corporate discovery for all
20 of these trials?

21 Isn't it the same thing, don't we need to do
22 exactly the same work on that front, getting that
23 corporate discovery done, regardless of what fire we
24 take?

25 And just to drop a footnote here, perhaps the

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1 parties need to set a deadline for the completion of
2 this discovery from PG&E. There's a lot of discussion
3 in the joint case management statement indicating some
4 concern about PG&E's discovery.

5 If the parties cannot set a deadline, maybe
6 they want me to resolve that issue if they are unable to
7 set a deadline for the completion of that discovery.

8 The plaintiffs have suggested with respect to
9 this discovery -- this applies to all three of these
10 candidate fires, Atlas, Tubbs, or Sulphur -- that they
11 don't want to set a fact discovery cutoff date. They
12 say that on page 22 of their statement. I find this a
13 little odd.

14 If we're going to set a trial date, don't we
15 need to set a discovery cutoff date?

16 Let me stop there. The general topic now is
17 which fire: Sulphur, Atlas, or Tubbs?

18 And I'm interested in people's views to the
19 extent they haven't been reflected in my --

20 MR. KELLY: So, Your Honor, Michael Kelly. I
21 hope I got all the questions.

22 Let me start with these three fires. The
23 leadership appointed in CMO1 went through these
24 questions relative to what should be first.

25 Let me say about Sulphur, it is a pole failure

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1 case; whereas everything else is power line, tree line,
2 or multiple causes of failure. It has no deaths. It
3 has a minimum number of structures, 162. For a host of
4 reasons it was determined by the larger group, including
5 subrogation and the public entities, that it was not
6 going to be helpful in moving the litigation forward
7 toward resolution.

8 Let me talk about Atlas for a minute. There
9 is no question that the Atlas fire is a tree contact or
10 branch contact fire. It is pleaded in our long form
11 complaint. PG&E reported both a branch failure line
12 contact tree collapse into the same line to the PUC; and
13 Cal Fire reported two locations of origin that are both
14 tree contact issues.

15 So while that doesn't prove liability, it does
16 prove or suggest that there's an easy way to prove
17 causation.

18 The notion of the Tubbs fire really being the
19 suitable case to try first is undermined by the various
20 arguments in the CMC statement, which I'm sure the Court
21 read carefully of he says, she says, she says, he says
22 about what happened, how many points of origin. And the
23 fundamental problem there is it's going to take multiple
24 experts who can't get to the evidence.

25 As we've noted late in the CMC statement, we

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1 have worked really hard with the DA's to get an
2 agreement on access to evidence.

3 And Ms. Cordova can talk more about it, but
4 the Tubbs report is not out. The Tubbs report is not on
5 the table for getting access to Cal Fire evidence
6 because we're dealing with DA's; it hasn't been referred
7 out, it hasn't been finished. There are multiple
8 experts to look at it.

9 It's inconceivable to me that it is tried in a
10 shorter period of time or involves less experts or it
11 is, as suggested by the defendants, it's some kind of an
12 on/off switch. It's either at these old folks' home or
13 somewhere else.

14 The truth of the matter is if the total number
15 of points of origin is not clear, in part because we
16 haven't seen all of the physical evidence -- there are
17 multiple experts looking at it -- there's no reason to
18 believe that actually the point of origin is as
19 suggested by PG&E.

20 THE COURT: You don't have the same discovery
21 and Cal Fire issues with Atlas?

22 MR. KELLY: We don't, because the Atlas report
23 is done.

24 And let me -- actually, we'll get ahead of
25 ourselves, but I think it would be helpful to the Court.

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1 Here's the status of that. For fires not
2 referred to district attorneys, LaPort, Honey, Redwood,
3 Cherokee, 37, and Nuns, we have an agreement to get both
4 reports and access to the evidence with the DA's.

5 MS. CORDOVA: With Cal Fire.

6 MR. KELLY: With Cal Fire, excuse me.

7 And we're working with the district attorneys.

8 Cal Fire's position is you get an agreement
9 from the DA's. Cal Fire and the district attorneys have
10 agreed to evidence inspections -- the DA's in Sonoma,
11 Butte, Yuba, and Nevada counties, and we're working with
12 the other DA's. We just haven't gotten confirmation for
13 access to the evidence.

14 These are all cases where the report is
15 finished. We are waiting to hear from Napa County
16 district attorney relative to the Atlas fire.

17 But as for the Tubbs fire, the report is not
18 finished. A decision about referral or non-referral
19 hasn't been made. It's not even on the table in terms
20 of negotiating with Cal Fire and the district attorney
21 to get access to the evidence.

22 And I think one of the things the Court -- I'm
23 sorry to be presumptuous, but the notion --

24 THE COURT: Go ahead.

25 MR. KELLY: -- that you want a discovery

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1 cutoff is to get things finished or moving, we can't
2 even begin to get things finished until we get to that
3 Tubbs evidence.

4 So as a practical matter, whatever the
5 feelings of the defendant are about how much it might
6 move a needle -- and I'm using might in italics -- it's
7 really something we don't know. It's a moving target.
8 We don't know when the -- I've heard on seven different
9 occasions the Tubbs report is coming out this week. And
10 those are seven different weeks over the past five
11 months. And I don't think anybody knows that.

12 So one of the things I think the Court wants
13 is certainty. We want certainty. So for us, you know,
14 the one thing about the Atlas fire, is it going to move
15 the needle? Well, it's going to move it to the extent
16 that there are wrongful deaths involved, there are more
17 than 50,000 acres, there are more than 700 structures,
18 we do know it's a tree line contact. We know some
19 things that make it capable of assessing and analyzing
20 and getting the experts on.

21 THE COURT: Thank you.

22 MR. KELLY: And if I might, I was responsible
23 for drafting what apparently was an inarticulate CMC
24 statement on our side.

25 We don't suggest that you should never set a

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1 general discovery cutoff. We proposed, referencing this
2 fire, a discovery cutoff for the fire that is set. It
3 was intended to make clear that the discovery cutoff we
4 proposed and the modification as to the expert discovery
5 was peculiar to this fire that's set and said as far as
6 a generic cutoff, we still can't even get ESI.

7 If the Court will recall, we were supposed to
8 get it on December 21st. This statement now skips the
9 month of January and says we will get it in February and
10 proposes discovery cutoff two weeks later.

11 So we're not adverse, but it's not --

12 THE COURT: Your suggestion is set a discovery
13 cutoff per trial?

14 MR. KELLY: Yes. That is my point.

15 THE COURT: What do you think about a
16 discovery cutoff for getting evidence which is going to
17 be common to all of the cases, I think, which is the
18 corporate discovery from PG&E?

19 MR. KELLY: I agree that the corporate
20 behavior discovery is common. The same company is
21 operating in response -- at least in our opinion,
22 responsible for all the fires.

23 THE COURT: We need to set a single deadline
24 for that, right, at some point?

25 MR. KELLY: We do, but I would suggest to the

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1 Court that it would be nice to have the
2 electronically-stored information in our hands to review
3 for a period of more than two weeks before we can come
4 and chat about what's fair to everybody.

5 THE COURT: Okay.

6 MR. KELLY: What have I missed?

7 THE COURT: Not too much.

8 MR. KELLY: Okay.

9 So I was always a B student. I feel that
10 having not missed too much, I'm hoping I'm not below a
11 B-minus. If there is a major point I missed, I would
12 like to address it.

13 THE COURT: I don't think so. Thank you very
14 much.

15 Let me give the rest of the plaintiffs a
16 chance to talk, then I will turn to PG&E.

17 MR. SIMON: Your Honor, Craig Simon for
18 subrogation plaintiffs. We agree with everything that
19 Mr. Kelly said.

20 I want to answer specifically some of your
21 questions.

22 With Atlas, is there general agreement on
23 ignition? I believe so. To reiterate what Mr. Kelly
24 said, you have two admitted ignition places in Atlas.
25 In one you have a significant tree branch that contacted

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1 the line. It was reported by PG&E as a tree branch, so
2 they saw it and looked at it and reported it that way.

3 The second ignition is a whole tree down.
4 PG&E reported it that way and, therefore, I believe that
5 it is, by far, a much simpler case than Tubbs.

6 I do want to say, with regard to Tubbs, in
7 previous hearings, I might have suggested to the Court
8 that it was an electrical fire only that did not involve
9 vegetation. We've had some discovery since the last
10 hearing that has come out which implicates a need for
11 additional evidence collection, that is, that we know
12 there was an electrical event at a particular location.
13 The cause of that electrical event is still under
14 review.

15 It could be on the Calistoga line at other
16 places things that are occurring, and one of those
17 things may be vegetation-related. We've had some
18 eyewitnesses and some issues that have come up.

19 THE COURT: Do you think there's a consensus
20 that that is the ignition point for the Tubbs fire,
21 whatever the cause is?

22 MR. SIMON: No, Your Honor. I believe that
23 this is extremely complicated and there's no answer.

24 And I agree with Mr. Kelly that the back and
25 forth in the brief -- I think the point that I'm trying

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1 to emphasize for the Court is Tubbs is the most complex
2 fire that is delayed in any type of discovery by the
3 fact the evidence is tied up and it's different than
4 Atlas.

5 You asked specifically, isn't access to the
6 evidence, is it the same or different? That was a
7 question that you asked -- don't you have the same
8 problem with the Cal Fire? No, it's completely
9 different.

10 In the Tubbs there is no report or final
11 conclusion, and PG&E affirmatively went out and extended
12 the time for Cal Fire to make a report.

13 So by PG&E's volitional efforts, they have
14 delayed or allowed a delay in the Tubbs report. I'm not
15 blaming them. I'm just saying it as a fact that we
16 don't have a report and, therefore, the chance of
17 getting the same type of evidence with regard to Atlas
18 is completely different.

19 We believe we're going to be able to get to
20 the -- what we need to see is the conductor in Atlas,
21 and we have certain other outage reports, so it's
22 completely between Tubbs and Atlas with regard to that.

23 Mr. Kelly dealt with a deadline of discovery.
24 We, of course, want a deadline if we're in a trial, but
25 we don't want a deadline for the other fires.

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1 And you asked specifically if Sulphur was the
2 simplest case. In a way it is the simplest case and
3 that's part of the reason why we were saying that it
4 could be used after the first trial if we can't get to
5 Tubbs. In other words, we may be in a situation where
6 four months from now we still don't have a Tubbs report,
7 and we would need to have another fire go forward and we
8 said in the brief that maybe that other fire would be
9 Sulphur.

10 Your Honor, subrogation completely supports
11 what Mr. Kelly said and the individual plaintiffs.

12 THE COURT: Thank you.

13 Are there other plaintiffs who have a
14 completely different view as to what I've been hearing?

15 MR. SINGLETON: Thank you, Your Honor.

16 I would concur with what Mr. Kelly and
17 Mr. Simon said in terms of how the trial how the
18 discovery cutoff should work. I think it should be per
19 trial. Discovery should go forward on the others.

20 Following up with what Mr. Simon said, I think
21 all parties agree that Sulphur is the simplest. It is a
22 pole that snapped. There are no vegetation management
23 issues. There do not appear to be the same issues that
24 arise when you have a line slap, which can create
25 separate issues.

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1 So in terms of simple, I do believe there is
2 large consensus it is the simplest.

3 I wanted to address two points that the Court
4 raised. Number one, do we need the ESI to try Sulphur?
5 Certainly we would like it. In a perfect world we would
6 have that, but I think there's a difference between what
7 you need and what you would like when you're going to
8 trial.

9 In terms of Sulphur, we believe that once
10 we're allowed to actually inspect the evidence so we can
11 confirm what our experts have posited and what they've
12 theorized, we will be largely ready to go. There will
13 be a handful of other depositions that will need to be
14 taken, but this is going to be a much more streamlined
15 straightforward case. We estimated it would take 13 to
16 17 court days to try, and that's assuming that there
17 were five to ten cases involved. If the Court wanted to
18 strip that down, we could cut that back even further.

19 But the timeline that we've suggested also
20 addresses one issue I haven't heard yet today and that
21 is that of the preference cases. We have,
22 unfortunately, at least eight individuals in Sulphur who
23 we believe will qualify for preference under section
24 36(a); and this is not something we take lightly, but
25 these are individuals who are over the age of 70 who are

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1 very ill and for whom we will need to file those motions
2 relatively soon. That was why we had suggested the
3 March/April trial date, because we think that would
4 coincide with when these cases will be ready.

5 The last issue I wanted to address was
6 something that Mr. Kelly said about Sulphur not moving
7 settlement forward, and I think that depends on what the
8 settlement in this case is going to look like.

9 Obviously, PG&E has said and they've been
10 consistent throughout that they want a global settlement
11 that involves all fires. Having represented, I believe,
12 more individuals in fire cases than anyone else in
13 California, and certainly having been involved in many
14 major fires over the last few years, I have not seen
15 that happen in a multiple-fire case.

16 There's many reasons for that. One is the
17 fact that the liability is very different. For example,
18 in the 2007 San Diego fires, there were three separate
19 fires, all of which were very large. I think the
20 smallest was about 40,000 acres.

21 But we had over a year where we were settling
22 cases in two of them, but the third one was not settling
23 because there were issues related to liability.

24 I can see the same thing arising here. You
25 have a case like Sulphur where -- again, obviously this

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1 is our position and PG&E may differ, but it's a fairly
2 straightforward case.

3 You have a case like Tubbs, where I think all
4 parties agree that's going to be a complicated case, and
5 certainly there are going to be differences in terms of
6 the strength of liability.

7 So I would simply say that I don't see this
8 case, at least at this point, as being able to be
9 resolved on a global order anytime soon.

10 I think what makes the most sense is to treat
11 these the way that I believe Mr. Orsini and Mr. Kelly
12 have both commented on. These are not one size fits
13 all. It's not one case. It's 16, 17, 19 -- it depends
14 on how you quantify the fires. There can be a little
15 bit of difference of opinion, but there's certainly at
16 least 16 major fires here, and I believe they have to be
17 approached on an individual basis, and that's why it
18 makes so much sense to set them as they are ready to
19 try.

20 When you have a case like Sulphur that is the
21 simplest, I would submit it makes very little sense to
22 put it behind a much more complicated -- a super trial,
23 if you will, with an Atlas or a Tubbs.

24 If Sulphur can be ready to be tried in March
25 or April, why not try it?

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1 The same is true of the Wind Complex fires.
2 Those are the Lobo, McCourtney, Cascade, and LaPort. We
3 have the reports in two, and my understanding is there
4 have been agreements with the Nevada County District
5 Attorney where these occurred to go ahead and inspect in
6 Lobo and McCourtney.

7 I'm the discovery coordinator for the
8 plaintiffs in the Lobo and McCourtney fires, and based
9 upon what I've seen, there's no doubt in my mind we can
10 be ready to go in those fires by May or so.

11 So to me, what makes the most sense is you set
12 these when they're ready. If the Court adopts that
13 approach, then you have the Sulphur case tried in March
14 or April, with liability established, and then you have
15 the Wind Complex cases, which are four all together
16 tried in May.

17 Again, liability would be established,
18 assuming we're successful, and that would not in any way
19 interfere with the Atlas case.

20 THE COURT: I'm going to ask you to
21 terminate -- just give me your final thoughts.

22 MR. SINGLETON: Sure. Yes, Your Honor.

23 All I would say is we would respectfully
24 submit that these be set when they are ready to be
25 tried. Thank you.

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1 THE COURT: Let me turn it over to PG&E.

2 MR. ORSINI: Thank you, Your Honor.

3 So I think there are a number of things that
4 Mr. Kelly and Mr. Simon and also Mr. Singleton said that
5 are just factually not true.

6 There has been a lot of suggestion that
7 there's some broad consensus that Atlas is a vegetation
8 case, that it involves tree line contact, that we know
9 that, it's simple.

10 I want to be very, very clear PG&E does not
11 agree with that. We did submit incident reports to the
12 CPUC that there was vegetation that contacted our lines,
13 but that does not say anything about whether or not that
14 vegetation caused a fire.

15 For example, one of the two locations is a
16 location where we believe all of the evidence very
17 strongly establishes that the tree that fell because it
18 burned and after the lines were already deactivated.

19 We do not believe either of those locations
20 were where the fire started. So I just want to be clear
21 about that, because there's been a lot of suggestion
22 that there's broad consensus about what the facts are in
23 Atlas.

24 There's the argument Atlas is simple because
25 we have basically a single point of origin and Tubbs

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1 complicated because there might be multiple points of
2 origin. Again, that's not true.

3 What we know is at least Cal Fire has said
4 there are two origin points for Atlas. So as I said, I
5 disagree with both of those, but Cal Fire has identified
6 two different locations, so Atlas will already involve
7 at least those two spots and, we believe, others.

8 With respect to Tubbs, it's absolutely right
9 that Cal Fire hasn't issued a report yet. And
10 plaintiffs have tried to walk back statements they've
11 made about whether Tubbs involves vegetation. And you
12 heard Mr. Simon say that's because we have more
13 discovery since the last conference. It's not
14 consistent with the statement they submitted this week.

15 If you look at page 2 of their submission,
16 they say that vegetation contact issues are common for
17 all the fires, excluding Tubbs, Cascade, and Sulphur.

18 With respect --

19 THE COURT: Do you have a contention about how
20 many ignition points there are for Tubbs?

21 MR. ORSINI: All of the evidence that we've
22 seen thus far points to the fact that the Tubbs fire
23 began in the vicinity of 1128 Bennett Lane.

24 Now, there's more discovery to be done, but
25 there have been ten depositions of eyewitnesses to the

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1 fire starting in Tubbs. No such depositions for Atlas.

2 We have body cam footage of police officers.

3 We have first responders from Calistoga Fire Department
4 and Cal Fire. We have satellite data. All of the
5 evidence that exists today points to that origin point.

6 Now, that could change, just like the origin
7 points for Atlas could change because there's a lot more
8 discovery to occur.

9 But plaintiffs are asserting to Your Honor
10 that Tubbs is much more complicated than Atlas. That's
11 not our view and, obviously, Your Honor can't resolve
12 that right not. That's what the trial is for. I'll
13 come back to that because at the end of the day that's
14 the key consideration.

15 Now, with respect to access to evidence,
16 again, respectfully, I think Mr. Kelly and Mr. Simon got
17 it exactly backwards. We are further ahead in getting
18 access to the Tubbs evidence than we are with respect to
19 the Atlas evidence.

20 We don't have a report. That is true on
21 Tubbs. The report is not admissible anyway.

22 What matters is being able to inspect the
23 evidence itself. You heard Mr. Kelly say we haven't
24 heard back from Napa -- the Napa County District
25 Attorney with respect to Atlas and that is true.

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1 So we don't know as we stand here right now
2 whether the Napa County District Attorney, which has
3 taken the lead in the investigation of Atlas, will or
4 will not permit us to inspect the Atlas evidence that
5 Cal Fire has.

6 You also heard Mr. Kelly say with respect to
7 Sonoma, which -- Sonoma, to all appearances in our
8 interactions with them, they are our liaison for the
9 Tubbs fire. They are the ones taking the lead in the
10 investigation of the Tubbs fire from a district attorney
11 criminal perspective.

12 They said to us yesterday they will have no
13 objection to any arrangement we can make with Cal Fire
14 to access the Tubbs evidence.

15 Now, if Cal Fire refuses to give access to
16 Tubbs evidence, we will be in this courtroom very
17 quickly because the privilege is a law enforcement
18 privilege, and the investigating and prosecuting --
19 potentially prosecuting district attorney has said they
20 will not have an objection to all of us collectively
21 accessing that evidence.

22 So it's just not true that Atlas is ahead of
23 Tubbs in that regard. It's exactly backwards.

24 With respect to Sulphur, again, the assertions
25 are we all know what happened in Sulphur. I don't.

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1 PG&E does not agree that the pole caused the fire. It
2 is not a simple case.

3 And with respect to Sulphur, again, let's say
4 the pole did cause the fire. There's not a single other
5 fire where there's any such allegation. Sulphur has, by
6 our estimation, 2 percent of the total structures
7 destroyed. It has zero percent of the total fatalities.
8 It has 4 percent if the plaintiffs who have actually
9 filed suit.

10 We have more than 3,000 individual plaintiffs
11 in this litigation. There are 138 with respect to
12 Sulphur. Sulphur has no chance of moving the needle.
13 It's just not credible to suggest it does.

14 And one other point on that front, to address
15 something that Mr. Singleton said, trying the Sulphur
16 case first makes it less likely that the plaintiffs with
17 respect to that fire get paid sooner than more likely.

18 Because if we go to that trial, we all know
19 there are inevitably going to be appeals and we know
20 those appeals are not going to be resolved for quite
21 some time.

22 Whereas if we're able to move forward with a
23 fire that actually does move the needle to resolution,
24 Tubbs, that resolution is far more likely to happen
25 before those appeals can run.

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1 Now --

2 THE COURT: Do you think -- and the plaintiffs
3 will have a chance to comment on this, too -- is the
4 dispute here based on something that we're not talking
5 about, which is that PG&E thinks it has a better shot at
6 winning the Tubbs and the plaintiffs think they have a
7 better shot at winning Atlas?

8 MR. ORSINI: I think it would be hard for
9 anybody here not to draw that conclusion, Your Honor.

10 THE COURT: You don't have to say anything
11 more.

12 MR. ORSINI: But I think that's exactly the
13 point, actually. I'm glad Your Honor asked the
14 question.

15 I think that's exactly the point because we
16 can't ultimately know. There are all these arguments
17 about was Tubbs vegetation, was Tubbs one point or
18 multiple points, was Tubbs something that involved maybe
19 vegetation happening in one place and starting a fire in
20 another place? That's what a trial is for, right? A
21 trial will resolve those issues.

22 And from PG&E's perspective, facing the
23 specter of all of these many cases with all of these
24 different fires, we can't figure out how to resolve
25 these until we have some visibility into what the

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1 resolution is going to be of the Tubbs case.

2 THE COURT: Thank you.

3 MR. ORSINI: And two other quick points,
4 Your Honor, with respect to discovery.

5 With respect to discovery, I do think we need
6 a global discovery cutoff. I think with respect to the
7 corporate-level discovery, we have proposed March 1st.
8 If the concern is they want a couple more weeks once
9 they have the ESI, that's fine.

10 Obviously, if they discover something after
11 the fact that requires them to reopen a request, that
12 always happens, right --

13 THE COURT: When do you think you will finish
14 producing the things that you are currently under an
15 obligation to produce?

16 MR. ORSINI: As we said in the stipulation,
17 Your Honor, we're currently believing we'll get it done
18 sometime in early to mid-February. We're having a lot
19 of problems with backup tapes.

20 THE COURT: Okay.

21 MR. ORSINI: And I also think that discovery
22 cutoff, Your Honor, ought to apply to all of the fires
23 as well, because to Your Honor's point, which I think is
24 the right point, we have to get these all on a track to
25 get managed, delaying the discovery specific to other

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1 fires, i.e., the one that's not set for trial, I think,
2 is more likely to drag this out.

3 Let's get it done. We have a lot of
4 plaintiffs' lawyers. We have a lot of lawyers. We can
5 do that discovery simultaneously.

6 Our view is we should get it all done.

7 THE COURT: Thank you very much.

8 MR. ORSINI: Thank you, Your Honor.

9 THE COURT: Any brief response?

10 MR. KELLY: Yes, brief.

11 First of all, I am so grateful for PG&E's
12 benevolence, possibly giving us two weeks to review
13 things that are over 10 million pages.

14 And I think the Court recognizes that this
15 continues to be a moving target. Last time it was
16 December. Now we skip January. Now we're in February.
17 I think we ought to talk about a discovery cutoff when
18 we get the darn discovery. We can come to you and
19 discuss it.

20 Number two, do plaintiffs want to set Atlas
21 before Tubbs because they have a better shot at winning
22 Atlas? Actually, I don't think that's a fair
23 characterization. I think it's a fair question.

24 We know the source of origin in Atlas without
25 dispute. You've seen today how little we agree on.

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1 Even a pole that fell over from woodpeckers, it wasn't
2 the pole; it was something else.

3 The one thing we know about Atlas is that we
4 have the okay of Cal Fire to deal with the DA. We don't
5 have that in Tubbs. There was this long argument about
6 us having it backward.

7 Here is what we know: Cal Fire is a law
8 enforcement agency. They have the privilege. They have
9 not agreed to make any Tubbs evidence available. If
10 we're going to approach a motion, we'll do a motion,
11 but, for goodness sake, let's get that straight.

12 For the other fires, Cal Fire has said make a
13 deal with the DA's. That's what we're doing. We don't
14 have that agreement in Tubbs.

15 So for me, why do you want to set Atlas?
16 Because we know something about it.

17 And the rest of this is just kind of shooting
18 in the dark. I say this, you say that, it happened at
19 the Zinc house, it didn't happen at the Zinc house. You
20 know what we need? We need to see the physical
21 evidence. That way we don't characterize what a witness
22 saw.

23 When I was a very baby lawyer, two things, the
24 first is I was always told the physical evidence isn't
25 on anybody's side. We need to see the physical

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1 evidence.

2 Second, counsel suggests that we only move the
3 needle if we try the case. I'm so darn old I was here
4 when we had discovery reforms in the late 1960s. The
5 truth of the matter is discovery is about each side
6 getting sufficient information to evaluate their risk
7 and the likelihood of success.

8 We don't have any discovery on Tubbs and we
9 have no guarantee from the law enforcement agencies
10 we're going to get it.

11 THE COURT: Thank you.

12 MR. SINGLETON: Your Honor --

13 THE COURT: No. I really need to move on to
14 the other issues. We have a number of other issues to
15 cover in the next few minutes.

16 I want to talk about location next. I don't
17 think the location issues depend on whether Tubbs or
18 Atlas or Sulphur goes first, but if you think that's
19 true, let me know.

20 Here are my concerns. San Francisco, it
21 strikes me, is much easier to get a jury and it's
22 probably much more convenient for the people in this
23 room. It's not more convenient for the plaintiffs in
24 the sense that I think there will be a lot of interest
25 in the case and people will want to attend. Most of

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1 those people are in the North Bay counties. So San
2 Francisco is probably much more convenient.

3 The North Bay counties, there's more interest
4 and there is sort of a -- I think of it as almost a
5 moral impetus to try to have a jury trial in the
6 location where things happened, and I understand the
7 interest that the plaintiffs themselves, maybe not their
8 attorneys, but the plaintiffs themselves might have.

9 I think it will be much more difficult to get
10 a jury there. I think jury selection in the North Bay
11 counties would be extremely difficult.

12 I queried why it is that PG&E really wants to
13 have a jury trial up there. Generally speaking -- I'm
14 not talking about this case, but generally speaking, the
15 defendants want out of the county where things like this
16 happen, so I'm not sure what's going on there.

17 After I listened briefly to the attorneys on
18 their views, if you have more to say than is in the
19 written document, my plan is to at least touch base with
20 the presiding judges of Napa and Sonoma Counties to get
21 their, perhaps, visceral reaction to the ability of
22 those courts to actually handle any of these cases and
23 to get their views as to whether or not they think there
24 would be an enormous burden in selecting a jury and any
25 other things that you think I might touch base with them

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1 on.

2 If you think there are other topics I should
3 discuss with them, I need to make a note of that as
4 well. That's my thought, to do that before I select a
5 location.

6 In a few minutes -- we have about four or five
7 other topics to talk about. A topic about three lines
8 down, there is the fact that -- I will just alert it to
9 you right now, which is that this particular department,
10 304, is not available until the late summer of 2020 for
11 a trial, so if we are going to have trials in San
12 Francisco, it's unlikely that they will be in this
13 department.

14 The parties are in general agreement,
15 August/September time frame, roughly, something around
16 in there, but the trial calendar in this department is
17 occupied until the early fall of 2020.

18 So let's just have a few comments on the
19 location first, the location issue. If there is
20 anything else I should know about that.

21 Thank you.

22 Sir.

23 MR. PITRE: Good morning, Your Honor, Frank
24 Petri. I'll make this simple. We agree with the Court.

25 THE COURT: Okay. I'll take that as a yes.

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1 MR. ORSINI: I guess that puts me in the
2 position of having to disagree with the Court.

3 I actually don't with respect to the critical
4 point you made, Your Honor, which is there's almost a
5 moral impetus to have the cases tried where the events
6 occurred. And you're absolutely right, Your Honor, that
7 you would usually expect me to stand up here and be
8 taking their position and theirs would be taking ours.

9 THE COURT: You want to have this trial in
10 North Carolina?

11 MR. ORSINI: I'll reserve comment on North
12 Carolina.

13 Let me explain to Your Honor why we think
14 that's important. Because we have looked at what the
15 relevant facts are, we've looked at the issues that we
16 believe are going to be critical to the resolution of
17 any of these cases, and we have concluded strongly that
18 our best chance to get a fair trial and to get a trial
19 that leads to the proper result requires a jury who has
20 some familiarity with the issues.

21 These are -- I'm from New York. We all know
22 that, so I don't live in San Francisco or in one of the
23 North Bay counties, but I've spent enough time here to
24 know that San Francisco is different than the North Bay
25 counties in ways that are very significant with respect

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1 to these fires: What the vegetation issues are up
2 there, what the weather issues are up there, what the
3 fire experiences have been up there.

4 One of the critical arguments that plaintiffs
5 have presented since they filed their first complaint is
6 PG&E could have avoided all of this by just turning the
7 power off on October 7th.

8 Well, we've seen the news even out in New York
9 about the de-energization that occurred in the last ten
10 days or so, which has been a very difficult topic for a
11 lot of people because you have to balance two different
12 safety concerns, the safety risk of leaving the power on
13 and potentially having a fire started --

14 THE COURT: So is it your view that the folks
15 in the North Bay come to this case knowing a lot more
16 about it than somebody from San Francisco and that we
17 should -- those are the people that we're going to keep
18 on the jury?

19 When jury trials started, that's actually the
20 way things were done. We would pick people who knew all
21 about the case. Those would be the people we would have
22 on the jury -- this is England before the United States
23 commenced. We would actually pick people who knew
24 everything that there was to know about the case and
25 we'd put them on the jury.

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1 And somehow we've changed. In the United
2 States, now we kick those people off, right? How much
3 do you know about this? Do you have a feeling about the
4 impact of power surges and loss of energy? Do you have
5 a sense of this? Do you know how -- we actually tend to
6 boot those people and we get 12 people who are
7 completely ignorant and we use them as a jury.

8 So where does your plan sort of fit in with
9 the way things are done?

10 MR. ORSINI: So I think there's a spectrum
11 here, Your Honor. We'd obviously boot someone who saw
12 the fire start. We'd boot someone whose brother's house
13 burned down, right, but we have, in Sonoma alone a half
14 a million residents.

15 And our view is it's not having familiarity
16 with the facts of the specific fire; it's knowing their
17 community. It's their community that was impacted.
18 There are claims here for punitive damages that are
19 designed to effect change in how PG&E goes about doing
20 its job of delivering safe and reliable power.

21 Who's going to be affected by that? The
22 people who live in those communities.

23 And we believe that it is very important for
24 PG&E's actions and statements about what PG&E's actions
25 ought to be going forward to be judged by the people who

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1 have been and will be affected by those actions.

2 That's our view, Your Honor.

3 THE COURT: I appreciate that. Thank you.

4 Let me turn to the next topic, which is if
5 there's anything more to say on the types of plaintiffs
6 that we're looking for. There's a little bit of a
7 dispute. I'm not sure there's more to say about it at
8 this particular point and I don't think we have to
9 resolve it right away.

10 But for example, plaintiffs have suggested
11 we'd want to have wineries and non-wineries involved.
12 PG&E thinks that's not appropriate because business loss
13 is complicated. My tentative view is it's not that
14 complicated. Maybe you have a witness on each side
15 talking about business losses.

16 PG&E has suggested another criteria, what they
17 call annoyance damages, people who have been affected by
18 soot and air but without any other serious property
19 damages.

20 If anybody has a comment that I won't find in
21 the written document I am happy to hear that.

22 MR. KELLY: I don't think we object to adding
23 such a person, Your Honor.

24 THE COURT: Okay.

25 With respect to trial dates, I've already said

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1 really what I want to say about that. I don't know what
2 there is that you can say unless you can settle some of
3 these cases that have been set in this department,
4 there's not much you can do.

5 But to the extent that the cases are in San
6 Francisco, my plan is to talk to my presiding judge and
7 get permission to have those come out of Department 206.

8 I don't think anybody wants to wait until 2020
9 to get these cases. That's a delay of almost -- about a
10 year past the time period that both sides are in general
11 agreement, so I'm seeing affirmative nods of the head
12 and I'll just pass by that for now.

13 MR. ORSINI: Can I just make one comment,
14 Your Honor, very briefly?

15 THE COURT: Of course.

16 MR. ORSINI: While we would prefer for
17 Your Honor to preside over the trial, 2020 is a long
18 time away.

19 THE COURT: Right.

20 MR. ORSINI: Our view is if Your Honor does
21 ultimately keep the trials here or if you send them to
22 Sonoma or Napa, our one view is that Your Honor, working
23 with the presiding judge here or there, would have the
24 authority to designate in advance who the trial judge
25 will be, rather than waiting for the standard you find

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1 out the morning you report for trial.

2 Our view is that type of approach would be far
3 more conducive to getting a really streamlined trial
4 prepared and would help in a case of this complexity.

5 THE COURT: I think you're absolutely right.
6 Thank you.

7 There are apparently -- with respect to the
8 plaintiffs' submissions of damages information, I know
9 there's a representative from the Singleton law firm
10 here and maybe, hopefully, from the Frantz Law Group as
11 well. I'd invite attorneys from those two entities to
12 let me know what the status is.

13 MR. SINGLETON: Certainly, Your Honor.

14 As we put in our papers, we provided responses
15 to, I think, 760.

16 THE COURT: Right.

17 MR. SINGLETON: There were roughly 17 for whom
18 we could not provide responses. We couldn't get in
19 touch with them. We've dismissed them without
20 prejudice, so there are now zero that we have not
21 provided responses to.

22 THE COURT: Thank you.

23 And is there a representative of the Frantz
24 Law Group here?

25 MR. McNICHOLAS: Your Honor, this is Patrick

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1 McNicholas.

2 THE COURT: If you could state your -- sir,
3 hold on just one second.

4 Please state your name one more time slowly
5 and then go ahead.

6 MR. McNICHOLAS: McNicholas & McNicholas.
7 We're with the Frantz Law Group.

8 THE COURT: Could you start again, please?
9 Could you please start again?

10 We cannot hear you very well. Speak very
11 slowly, please, as you state your name.

12 MR. McNICHOLAS: This is Patrick McNicholas
13 from McNicholas & McNicholas.

14 MR. FRANTZ: James Frantz from the Frantz Law
15 Group.

16 THE COURT: Thank you.

17 Mr. Frantz, could you tell us what your status
18 is?

19 MR. FRANTZ: My status?

20 THE COURT: The status of your plaintiffs;
21 have they provided the damages information? Are any of
22 them out of compliance?

23 MR. FRANTZ: Regina Bagdasarian of my office
24 is here and she's handling that component of the CMO.

25 Regina, if you want to speak to that.

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1 MS. BAGDASARIAN: Yes, Your Honor.

2 We have submitted the vast majority of
3 plaintiffs' information with regard to the evidence as
4 to what they saw in the fires. We have a few of them
5 that we're still following up with, and we expect to be
6 complete very shortly.

7 THE COURT: How many are you following up
8 with?

9 MS. BAGDASARIAN: I think there's about 70,
10 and we've filed a total of 626 plaintiffs so far.

11 THE COURT: Seventy, seven-zero?

12 MS. BAGDASARIAN: Yes, Your Honor.

13 THE COURT: And when will it be done?

14 MS. BAGDASARIAN: If we could have 30 days,
15 I'm sure we could be complete with that. We've been
16 calling them and following up with them regularly and
17 we're just waiting on some return information.

18 Some of them thought they had provided
19 everything and had some missing component. We just want
20 to make sure we're complete.

21 THE COURT: I appreciate that.

22 Was there somebody else on the telephone who
23 wanted to address this issue?

24 (No response.)

25 THE COURT: Apparently not.

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1 With respect to the continuing negotiations
2 between -- at this point it's really the DA's; it's not
3 so much Cal Fire, but it's really the DA's regarding
4 referred fires.

5 I would really want those discussions to
6 happen as fast as possible, and if a motion has to be
7 brought, then let's bring it.

8 But I think you should invite the DA's to come
9 in for informal conference with me. They may or may not
10 agree. They have a right to decline. That's fine.

11 But I'm available to talk, and we can have an
12 informal off-the-record conference. Anybody who wants
13 to come can come. It won't be on the telephone. It
14 will be an in-person meeting. We'll put the tables
15 together and we'll sit around the table and we'll see if
16 we can work something out, as I say, off the record.

17 But that might help sort of figure out exactly
18 what the problems are and we might be able to work that
19 out, so that's an available approach.

20 With respect to the mediators, I'm glad people
21 are looking at folks. I don't know if there's a
22 conflict between what the individual plaintiffs are
23 thinking of. There was one reference to Justice
24 Trotter, and I know a number of people in this room have
25 had experience with Justice Trotter; and then also Judge

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1 Daniel Weinstein and Mr. Mayer, who have also been
2 indicated. So I'm not going to speak any more about
3 that.

4 I also see that Judge Vaughn Walker has been
5 suggested as somebody who could help with respect to the
6 subrogation plaintiffs.

7 These mediations have to occur before trial
8 and, hopefully, sufficiently, substantially before trial
9 so you're actually saving time and effort and money if
10 the mediations work out, but we can take that up at some
11 other point.

12 Let's go off the record and pick the next CMC
13 date.

14 (Discussion off the record.)

15 THE COURT: Back on the record.

16 The next CMC is set for January 25th between
17 9:00 and 11:00 a.m.

18 I'll get an order out within the next few
19 days, a few business days.

20 Thank you for coming in. It's good to see
21 everybody.

22 (Whereupon, proceedings adjourned at 10:17 a.m.)
23
24
25

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1 State of California)
2 County of San Francisco)

3
4
5 I, Mary Ann Scanlan, California Certified Shorthand
6 Reporter No. 8875, do hereby certify:

7 That I was present at the time of the above
8 proceedings;

9 That I took down in machine shorthand notes all
10 proceedings had and testimony given;

11 That I thereafter transcribed said shorthand notes
12 with the aid of a computer;

13 That the above and foregoing is a full, true, and
14 correct transcription of said shorthand notes, and a
15 full, true and correct transcript of all proceedings had
16 and testimony taken;

17 That I am not a party to the action or related to a
18 party or counsel;

19 That I have no financial or other interest in the
20 outcome of the action.

21
22 Dated: October 29, 2018

23 
24 _____
25 MARY ANN SCANLAN CSR No. 8875

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